

COMMITTEE REPORT

Date: 15 November 2018 **Ward:** Wheldrake
Team: Major and **Parish:** Elvington Parish Council
 Commercial Team

Reference: 18/01786/FUL
Application at: Elvington Water Treatment Works Kexby Lane Elvington
York
For: Erection of plant building used for the preparation of calcium
hydroxide.
By: Yorkshire Water Services
Application Type: Full Application
Target Date: 10 October 2018
Recommendation: Approve

1.0 PROPOSAL

1.1 The application site is Elvington Water Treatment Works located north-east of Elvington village. It contains a mixture of functional buildings, hard standing, grassed areas and water storage. It is located next to the River Derwent for the purposes of river abstraction for raw water. The entrance to the site is accessed from Daubey Lane close to the entrance to the village primary school. The nearest house is around 360 metres from the fenced enclosure of the site. There is also landscaped buffer land outside the fence that is within the ownership of the applicant.

1.2 It is proposed to erect a building to contain new apparatus related to the preparation of calcium hydroxide. The chemical is used in the process of the treatment of drinking water. The building is proposed on grass scrubland at the south western part of the enclosed area. It is of a functional design with a tower sitting on a larger base. The tower part of the structure is proposed to be 20 metres tall. It would be located around 440m from the nearest home. The tower was initially proposed to be 28 metres high, however, revisions have been received reducing the scale. The existing silos that serve a similar role and will become redundant if the new development takes place are not proposed to be removed in the foreseeable future.

RELEVANT HISTORY

1.3 There have been a number of planning permissions over the past 20 years for plant and buildings related to the treatment of water on site.

1.4 In 2008 (07/02915/FUL) planning permission was granted for the erection of a 50m high environmental monitoring mast and associated guy ropes for a temporary period of 18 months.

1.5 In 2015 (15/02639/FULM) planning permission was granted for the Installation of a solar photovoltaic array with associated infrastructure including kiosks, security fencing, CCTV and internal access track on land within the ownership of the site but outside the fenced enclosure of the works. This has not been implemented to date. The permission expires in April 2019.

2.0 POLICY CONTEXT

2.1 National Planning Policy Framework (2018)

2.2 Publication Draft Local Plan (2018)

Policy SS2 The Role of York's Green Belt.
Policy GB1 Development in the Green Belt
Policy D1 Placemaking
Policy D2 Landscape and Setting

2.3 City of York Draft Local Plan (2005)

Policy GB1 Development in the Green Belt.

3.0 CONSULTATIONS

INTERNAL

Public Protection

3.1 Have considered the application in terms of environmental impacts such as noise and dust and raise no objections and recommend no conditions to permission.

Flood Risk Manager

3.2 No objections subject to surface water run off details being considered.

Design, Conservation and Sustainable Development (Ecology and Countryside Officer)

3.3 No objections.

EXTERNAL

Parish Council

3.4 The following comments were received in respect to the revised scheme for a 20 m high building: We have no objections - but would wish to have a condition imposed which maximises the additional screening measures to the southern boundary, as offered by Yorkshire Water.

Civil Aviation Authority

3.5 No comments received.

Natural England

3.6 No comments received.

Neighbours and Publicity

3.7 One objection was received stating that a 28m high building would be an eyesore in the Green Belt and too close to the village of Elvington.

4.0 APPRAISAL

4.1 Key Issues

- Acceptability within the Green Belt
- Visual Impact
- Highways
- Impact on wildlife and ecology
- Flood risk

4.2 Section 38(6) of the Planning and Compensation Act 2004 requires determinations be made in accordance with the development plan unless material considerations indicate otherwise. The retained policies in the Yorkshire and Humber Regional Spatial Strategy ("RSS"), saved under the Regional Strategy for Yorkshire and Humber (Partial Revocation) Order 2013 have statutory status as development plan. Policies YH9(C) and Y1(C1 and C2) set the general extent of the Green Belt around York with an outer boundary about 6 miles from the City Centre. The application site falls within the general extent of the Green Belt.

National Planning Policy Framework

4.3 The National Planning Policy Framework (NPPF) was published in July 2018. It sets out the government's planning policies and is material to the determination of planning applications. The NPPF is the most up-to-date representation of key relevant policy issues (other than the saved RSS Policies relating to the general extent of the York Green Belt) and it is against this policy Framework that the proposal should principally be addressed.

4.4 Paragraph 38 advises that local planning authorities should approach decisions on proposed development in a positive and creative way and work proactively with applicants to secure developments that will improve the economic, social and

environmental conditions of the area. Decision-makers at every level should seek to approve applications for sustainable development where possible.

4.5 Paragraph 143 of the NPPF states that inappropriate development is, by definition, harmful to the green belt and should not be approved except in very special circumstances. Paragraph 144 goes on to state that when considering any planning application, local planning authorities should ensure that substantial weight is given to any harm to the Green Belt. 'Very special circumstances' will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.

4.6 Paragraph 163 states that when determining applications it should be ensured that flood risk is not increased elsewhere.

4.7 Chapter 12 relates to achieving well designed places. Paragraph 127 (b) states that decisions should ensure that developments are visually attractive as a result of good architecture, layout and appropriate and effective landscaping.

Publication Draft Local Plan 2018

4.8 The Publication Draft City of York Local Plan 2018 ('2018 Draft Plan') was submitted for examination on 25 May 2018. In accordance with paragraph 48 of the NPPF as revised in July 2018, the relevant 2018 Draft Plan policies can be afforded weight according to:

- The stage of preparation of the emerging plan (the more advanced the preparation, the greater the weight that may be given);
- The extent to which there are unresolved objections to relevant policies (the less significant the unresolved objections, the greater the weight that may be given); and
- The degree of consistency of the relevant policies in the emerging plan to the policies in the previous NPPF published in March 2012.

4.9 Policy SS2 'The Role of York's Green Belt' states that the primary purpose of the Green Belt is to safeguard the setting and special character of York and delivering the Local Plan Spatial Strategy. It states that new building is inappropriate unless for one of the exceptions set out on Policy GB1.

4.10 Policy GB1 'Development in the Green Belt' sets out the circumstances in which development in the Green Belt will be granted. It refers to the need to protect openness and the special character and setting of York.

4.11 Policy D1 'Placemaking' sets out design criteria. It includes the requirement that York's skyline and the dominance of the Minster is respected.

4.12 Policy D2 'Landscape and Setting' sets out criteria for assessing applications relating to landscape and has a particular relevance to proposals in the countryside. Criteria include issues of character, bio-diversity, habitats, the importance of trees and impacts on light pollution.

4.13 It is considered that the policies referred to above are in general conformity with the NPPF.

Development Control Local Plan (2005)

4.14 The Development Control Local Plan was approved for development management purposes in April 2005 (DCLP). Whilst the DCLP does not form part of the statutory development plan, its policies are considered to be capable of being material considerations though any weight attached to them is very limited.

OPENNESS AND PURPOSE OF THE GREENBELT

4.15 The site is located within the general extent of the York Green Belt as described in the RSS. In the emerging Local Plan and DCLP (2005) it is also designated as Green Belt. The construction of new buildings within the Green belt is inappropriate and should be resisted. Paragraph 145 and 146 sets out forms of development that are not inappropriate. It is not considered that buildings for the treatment of water falls into any of the categories within paragraphs 145 and 146. Even if it were it would need to be the case that any buildings or structures would preserve openness.

4.16 The proposed building would be 20 metres high. Although reduced from the 28 metres initially proposed it is considered that its height is such it is inappropriate and by definition harmful to the Green Belt and should not be approved except in very special circumstances.

4.17 Paragraph 144 of the NPPF states that 'very special circumstances will not exist unless the potential harm to the Green Belt by reasons of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations.' Other harm includes non-green belt considerations. Whether very special circumstances exist is essentially a 'planning judgement', but circumstances need to be very special and therefore not frequently found.

4.18 There are two existing silos on the site which will become redundant if the scheme is implemented. They are attached to each other and are 20 metres in height. The applicant has stated that the silos cannot be removed in the foreseeable future. This is because they are adjoining buildings that contain plant and equipment for other chemical dosing processes. The removal of the silos would require the treatment works to be shut down for a considerable time. It cannot be shut for more than 4 hours given the importance of its role. The application should be judged on the basis that the existing silos will remain once redundant. Because it

is not possible to predict when they will be capable of being re-moved it is not considered a sufficiently precise condition could be imposed regarding this matter. Issues of openness and the existence of very special circumstances should be based on the assumption that the new building is additional to the existing silos.

4.19 In assessing whether very special circumstances exist, regard is given to the fact that the treatment works is one of the biggest in the UK and the biggest in Yorkshire. It meets around 30% of the demand for water in the area supplied by Yorkshire Water Services at any one time. The applicant states that it is essential that the improvements are made to the works to ensure a sustainable, resilient water supply, essential for public health and to assist in facilitating growth within the York area and in the work's wider supply area. They state that the treatment works are critical during periods of prolonged dry weather due to it being a river abstraction works which is an advantage over reservoir fed treatment. Issues regarding whether very special circumstances exist to justify approving the application are considered in the conclusion.

VISUAL IMPACT

4.20 It is not considered that the footprint of the proposed building is unduly significant taking account of the developed nature of the site. The key issue is its height and impact on the open character of the landscape. The building will clearly impact on visual openness. Green Belt policy relates to openness rather than the visual appearance of the building and its setting in the landscape. Visual impacts and the character of the landscape should be considered within the balance of factors when assessing whether very special circumstances exist.

4.21 The applicant has submitted a visual impact assessment for the new building. This looks at the landscape and visual effects of the proposed building. The consultant acting on behalf of the applicant has considered the visual impact on nearby homes as well as users of roads and footpaths. They conclude that the development will result in adverse effects on landscape character and visual amenity, but most effects will be minor. This is with the exception of the impact of the views from homes close to the site in Elvington and walkers on public rights of way along the River Derwent – they consider the impacts on these will be moderately adverse. They conclude that planting and new bunding associated with earthworks can be used to help limit these negative impacts. In respect to the impact on homes it should be noted that the distance between the 20m tall building and the back of the nearest houses is in excess of 400m.

4.22 It is considered that the visual impact assessment is a fair appraisal of the likely harm. It is considered impacts will generally be modest and that the building will be seen in the context of a developed site containing another structure of a similar scale. A view of the site is, generally, from some distance and existing planting screens or softens the impacts. It is noted that Sutton Wood screens views from much of Newton upon Derwent. The simple form of the structure (grey colour

and lack of windows) would be such that it would not 'stand out' in the rural landscape. The building is not of a height or location to effect the setting or special character of York.

4.23 The Elvington Conservation Area is around 500m away at its closest point from the proposed building. The proposal would not have a significant impact on the setting of Conservation Area, including public views from the Area.

4.24 The Visual Impact Assessment advises that additional planting and earthworks (as appropriate) be provided to mitigate impacts and this is recommended by condition.

HIGHWAYS

4.25 The building would not be staffed and would not generate any increase in powder delivery to the site. It is not considered that the scale of development is such to require controls on traffic movement related to construction activity.

IMPACT ON WILDLIFE AND ECOLOGY

4.26 Paragraph 174 of the NPPF sets out the importance of protecting and enhancing biodiversity and geodiversity. It states that if significant harm to biodiversity from development can not be avoided or mitigated then planning permission should be refused. A preliminary ecological appraisal has been submitted with the application. This was undertaken in respect to the water works site as a whole rather than just the site of the proposed plant, though does also focus on the particular location. The land where the plant is proposed has been surveyed and is referred to as amenity grassland. The more sensitive ecological areas are generally outside the fenced enclosure of the treatment works and/or within closer proximity to the river Derwent. The River Derwent is a Special area for conservation and site of special scientific interest. The Lower Derwent Valley is a Special Area of Conservation. Natural England has been consulted on the application. The applicant's appraisal does not indicate any harm would be caused to wildlife.

FLOOD RISK

4.27 The building is far enough away from the river to be classified as being in a low risk flood area. A condition has been recommended relating to the sustainable management of surface water run off from the structure to avoid increasing flood risk elsewhere.

5.0 CONCLUSION

5.1 The use and scale of the proposed building is such that it is inappropriate development in the Green Belt. It would have a moderately harmful impact on the visual character and amenity of the landscape. Green Belt policy states that the application should be refused unless any harm resulting from the proposal is clearly outweighed by other considerations.

5.2 In assessing whether very special circumstances exist, significant regard is given to the fact that the site is an established water treatment plant which supplies around a third of Yorkshire Water's drinking water. The site is located wholly in the Green Belt. The proposed building cannot be located outside the Green Belt. The applicant states that the building is essential in respect to improvements to ensure a sustainable, resilient water supply, essential for public health and to assist in facilitating growth within the York area and in the works' wider supply area. Although the structure is tall it is not considered unduly intrusive. Its scale has been reduced from the original submission and its height reflects that of the existing silos on the site. It is considered that the particular circumstances relating to the pressing need for the building and the inability to re-locate it outside the Green Belt does amount to very special circumstances which would clearly outweigh the harm to the Green Belt and local landscape.

COMMITTEE TO VISIT

6.0 RECOMMENDATION: Approve

1 TIME2 Development start within three years

2 The development hereby permitted shall be carried out in accordance with the following plans and other submitted details:-

Block and location plan Q0532 rev C2.

Elevation 1 Q0532 Rev C2.

Elevation 2 Q0532 Rev C2.

Elevation 3 Q0532 Rev C2.

Elevation 4 Q0532 Rev C2.

Preliminary Ecological Appraisal dated 15 June 2018.

Reason: Reason: For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority.

3 Notwithstanding any proposed materials specified on the approved drawings or in the application form submitted with the application, samples of the external materials to be used shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of the construction of the development. The development shall be carried out using the approved materials.

Note: Because of limited storage space at our offices it would be appreciated if sample materials could be made available for inspection at the site. Please make it clear in your approval of details application when the materials will be available for inspection and where they are located.

Reason: So as to achieve a visually cohesive appearance.

4 There shall be no piped surface water from the development until details of the proposed means of surface water drainage, including details of any balancing works and off site works, have been submitted to and approved by the Local Planning Authority.

Design considerations.

The developer's attention is drawn to Requirement H3 of the Building Regulations 2000 with regards to hierarchy for surface water dispersal and the use of Sustainable Drainage Systems (SuD's). Consideration should be given to discharge to soakaway, infiltration system and watercourse in that priority order. Surface water discharge to the existing public sewer network must only be as a last resort therefore sufficient evidence should be provided i.e. witnessed by CYC infiltration tests to BRE Digest 365 to discount the use of SuD's.

If the proposed method of surface water disposal is via soakaways, these should be shown to work through an appropriate assessment carried out under BRE Digest 365, (preferably carried out in winter), to prove that the ground has sufficient capacity to accept surface water discharge, and to prevent flooding of the surrounding land and the site itself.

City of York Council's Flood Risk Management Team should witness the BRE Digest 365 test.

If SuDs methods can be proven to be unsuitable then In accordance with City of York Council's Strategic Flood Risk Assessment and in agreement with the Environment Agency and the York Consortium of Internal Drainage Boards, peak run-off from Brownfield developments must be attenuated to 70% of the existing rate (based on 140 l/s/ha of proven by way of CCTV drainage survey connected impermeable areas). Storage volume calculations, using computer modelling, must accommodate a 1:30 year storm with no surface flooding, along with no internal flooding of buildings or surface run-off from the site in a 1:100 year storm. Proposed areas within the model must also include an additional 30% allowance for climate change. The modelling must use a range of storm durations, with both summer and winter profiles, to find the worst-case volume required.

If existing connected impermeable areas not proven then a Greenfield run-off rate based on 1.4 l/sec/ha or if shall be used for the above. For the smaller developments where the Greenfield run-off rate is less than 1.4 l/sec/ha and

becomes impractical and unsustainable then a lowest rate of 2 l/sec shall be used.

Surface water shall not be connected to any foul / combined sewer, if a suitable surface water sewer is available.

Reason: So that the Local Planning Authority may be satisfied with these details for the proper and sustainable drainage of the site.

5 Development shall be undertaken in accordance with the recommendations contained in chapter 4.2 of the Preliminary Ecological Appraisal dated 15 June 2018.

Reason: To minimise harm to wildlife.

6 The development shall not be brought in to use until there has been submitted and approved in writing by the Local Planning Authority a detailed landscaping scheme which shall illustrate the number, species, height and position of trees and shrubs and any earthworks. This scheme shall be implemented within a period of six months of the completion of the development. Any trees or plants which within the lifetime of the development are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless alternatives are agreed in writing by the Local Planning Authority.

Reason: So that the Local Planning Authority may be satisfied with the variety, suitability and disposition of species within the site in the interests of the character and appearance of the area.

7.0 INFORMATIVES:

1. Statement of the Council's Positive and Proactive Approach

In considering the application, the Local Planning Authority has implemented the requirements set out within the National Planning Policy Framework (paragraph 38) in seeking solutions to problems identified during the processing of the application. The Local Planning Authority took the following steps in order to achieve an acceptable outcome:

Height of structure reduced and visual impact assessment requested.

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